

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

HERSHEL RODNEY NUZUM,)	
)	8:05cv335
Plaintiff,)	
)	MEMORANDUM AND ORDER
vs.)	
)	
SUN CHLORELLA,)	
)	
Defendant.)	

The pro se plaintiff, Hershel Rodney Nuzum, has paid the \$250 filing fee. Because the plaintiff is a nonprisoner who has paid the filing fee in full, it is now time for service of process on the defendant.

IT IS THEREFORE ORDERED:

1. The Clerk of Court shall send the plaintiff a blank summons form. The plaintiff shall complete the form and, as soon as possible, send the completed summons form to the Clerk of Court for signature. The form will then be returned to the plaintiff for service on the defendant.

2. Fed. R. Civ. P. 4 requires service of a summons, together with a copy of the complaint, on a defendant within 120 days of filing the complaint. Failure to obtain service on a defendant within 120 days of the filing of the complaint may result in dismissal of this matter without further notice, as against that defendant. If no defendant has been served by the 120-day deadline, the case may be subject, without further notice, to dismissal without prejudice.

3. The plaintiff may serve the summons and complaint on a defendant by any method permitted under Fed. R. Civ. P. 4, e.g., by certified mail, by process server, by obtaining a Waiver of Service of Summons signed by the defendant. The court will not be involved. The forms for waiver of service are published with the Federal Rules of Civil Procedure, which are available at any law library and on the court's web site at www.ned.uscourts.gov.

4. After an appearance has been filed by a defendant, the plaintiff shall serve upon such defendant or, if an appearance has been entered by counsel, upon such counsel, a copy of every future pleading, letter, or other document submitted to the court. Parties usually serve copies of documents on other parties by first class mail. The plaintiff shall include with each document submitted to the court a "Certificate of Service" stating the date a true and correct copy of such document was mailed to each defendant or the

attorney of a represented defendant. To send any communication to the court without serving a copy on the other parties to the case violates the rules of court.

5. The plaintiff is bound by the Federal Rules of Civil Procedure and by the Local Rules of court in the prosecution of this case. The federal rules are available at any law library, and the local rules are available on the court's web site at www.ned.uscourts.gov. The local rules may also be obtained for a small fee at the office of the Clerk of Court.

6. The plaintiff shall keep the court informed of his current address at all times while this case is pending. Failure to do so could result in dismissal of the case.

DATED this 9th day of November, 2005.

BY THE COURT:

s/ F. A. GOSSETT
United States Magistrate Judge